

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CITY OF EL CENIZO, *et al.*,  
*Plaintiffs,*

v.

STATE OF TEXAS, *et al.*,  
*Defendants.*

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CIVIL ACTION NO.  
5:17-CV-404-OG  
[Consolidated/Lead Case]

**DEFENDANTS' MOTION TO STRIKE, TO DISMISS, OR FOR A MORE DEFINITE STATEMENT**  
**EXHIBIT B**

## Thompson, William

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**From:** Birring, Sameer <Sameer.Birring@austintexas.gov>  
**Sent:** Wednesday, December 4, 2019 11:49 AM  
**To:** Thompson, William  
**Cc:** Ramon Soto; Martin Golando (martin.golando@gmail.com); Efren C. Olivares; mimi@texascivilrightsproject.org; Riley, Meghan; Biggs, Adam; JOSE GARZA; Nina Perales  
**Subject:** RE: SB4 -- Conference on motions

Thanks Will,

Sameer S. Birring  
Assistant City Attorney  
City of Austin Law Department  
(512) 974-3042  
[sameer.birring@austintexas.gov](mailto:sameer.birring@austintexas.gov)

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**From:** Thompson, William <Will.Thompson@oag.texas.gov>  
**Sent:** Wednesday, December 04, 2019 11:48  
**To:** Birring, Sameer <Sameer.Birring@austintexas.gov>  
**Cc:** Ramon Soto <rsoto@maldef.org>; Martin Golando (martin.golando@gmail.com) <martin.golando@gmail.com>; Efren C. Olivares <efren@texascivilrightsproject.org>; mimi@texascivilrightsproject.org; Riley, Meghan <Meghan.Riley@austintexas.gov>; Biggs, Adam <Adam.Biggs@oag.texas.gov>; JOSE GARZA <garzpalm@aol.com>; Nina Perales <nperales@maldef.org>  
**Subject:** RE: SB4 -- Conference on motions

Sameer,

We do not object to the plaintiffs operating on the same schedule.

Our position on your motion to amend your complaint is the same as our position on the San Antonio Plaintiffs' motion to amend their complaint. We oppose the addition of new claims, the addition of new defendants, and changes to your existing claims. We do not oppose the removal of existing claims or the removal of existing defendants.

Best,  
Will

Will Thompson  
Special Counsel for Civil Litigation  
Office of the Attorney General  
209 West 14th Street  
Austin, Texas  
(512) 936-2567

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**From:** Birring, Sameer <[Sameer.Birring@austintexas.gov](mailto:Sameer.Birring@austintexas.gov)>  
**Sent:** Wednesday, December 4, 2019 11:37 AM

**To:** Thompson, William <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>

**Cc:** Ramon Soto <[rsoto@maldef.org](mailto:rsoto@maldef.org)>; Martin Golando ([martin.golando@gmail.com](mailto:martin.golando@gmail.com)) <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Efren C. Olivares <[efren@texascivilrightsproject.org](mailto:efren@texascivilrightsproject.org)>; [mimi@texascivilrightsproject.org](mailto:mimi@texascivilrightsproject.org); Riley, Meghan <[Meghan.Riley@austintexas.gov](mailto:Meghan.Riley@austintexas.gov)>; Biggs, Adam <[Adam.Biggs@oag.texas.gov](mailto:Adam.Biggs@oag.texas.gov)>; JOSE GARZA <[garzpalm@aol.com](mailto:garzpalm@aol.com)>; Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)>

**Subject:** RE: SB4 -- Conference on motions

Hi Will,

The City of Austin also plans to file an amended complaint by the extended deadline of December 13 (assuming that the Court will grant the unopposed motion to extend the amended pleadings deadline and the State's deadline to respond). We think that the motion and proposed order filed yesterday would apply to other plaintiffs as well. If for some reason you oppose this extension, or believe that the motion filed yesterday and the proposed order to amend the scheduling order do not apply to other plaintiffs, please let me know.

Sameer S. Birring  
Assistant City Attorney  
City of Austin Law Department  
(512) 974-3042  
[sameer.birring@austintexas.gov](mailto:sameer.birring@austintexas.gov)

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**From:** JOSE GARZA <[garzpalm@aol.com](mailto:garzpalm@aol.com)>

**Sent:** Monday, December 02, 2019 13:27

**To:** Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)>

**Cc:** Thompson, William <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Ramon Soto <[rsoto@maldef.org](mailto:rsoto@maldef.org)>; Martin Golando ([martin.golando@gmail.com](mailto:martin.golando@gmail.com)) <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Efren C. Olivares <[efren@texascivilrightsproject.org](mailto:efren@texascivilrightsproject.org)>; [mimi@texascivilrightsproject.org](mailto:mimi@texascivilrightsproject.org); Riley, Meghan <[Meghan.Riley@austintexas.gov](mailto:Meghan.Riley@austintexas.gov)>; Birring, Sameer <[Sameer.Birring@austintexas.gov](mailto:Sameer.Birring@austintexas.gov)>; Biggs, Adam <[Adam.Biggs@oag.texas.gov](mailto:Adam.Biggs@oag.texas.gov)>

**Subject:** Re: SB4 -- Conference on motions

\*\*\* External Email - Exercise Caution \*\*\*

El Paso County et al does not oppose extension

Sent from my iPhone

On Dec 2, 2019, at 1:23 PM, Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)> wrote:

Will,

Thank you very much for the quick response. I will be sure to include your position on today's motion and the motion to amend.

Nina Perales  
Vice President of Litigation  
Mexican American Legal Defense  
and Educational Fund, Inc. (MALDEF)  
110 Broadway, Suite 300  
San Antonio, TX 78205  
Ph (210) 224-5476 ext. 206

FAX (210 224-5382

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**From:** Thompson, William [<mailto:Will.Thompson@oag.texas.gov>]  
**Sent:** Monday, December 02, 2019 1:20 PM  
**To:** Nina Perales  
**Cc:** Ramon Soto; [garzpalm@aol.com](mailto:garzpalm@aol.com); Martin Golando ([martin.golando@gmail.com](mailto:martin.golando@gmail.com)); Efren C. Olivares; [mimi@texascivilrightsproject.org](mailto:mimi@texascivilrightsproject.org); [meghan.riley@austintexas.gov](mailto:meghan.riley@austintexas.gov); [sameer.birring@austintexas.gov](mailto:sameer.birring@austintexas.gov); Biggs, Adam  
**Subject:** RE: SB4 -- Conference on motions

Nina,

I am sorry to hear about Ms. Garcia's loss. We do not oppose your motion for an extension of time.

We oppose your motion to amend your complaint insofar as you seek to add new claims, add new defendants, or change your existing claims. Insofar as you seek to drop existing claims or drop existing defendants, we are not opposed.

I am available to discuss these matters on the phone if you think that would be helpful.

Best,  
Will

Will Thompson  
Special Counsel for Civil Litigation  
Office of the Attorney General  
209 West 14th Street  
Austin, Texas  
(512) 936-2567

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**From:** Nina Perales <[nperales@MALDEF.org](mailto:nperales@MALDEF.org)>  
**Sent:** Monday, December 2, 2019 12:29 PM  
**To:** Thompson, William <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Biggs, Adam <[Adam.Biggs@oag.texas.gov](mailto:Adam.Biggs@oag.texas.gov)>  
**Cc:** Ramon Soto <[rsoto@MALDEF.org](mailto:rsoto@MALDEF.org)>; [garzpalm@aol.com](mailto:garzpalm@aol.com); Martin Golando ([martin.golando@gmail.com](mailto:martin.golando@gmail.com)) <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Efren C. Olivares <[efren@texascivilrightsproject.org](mailto:efren@texascivilrightsproject.org)>; [mimi@texascivilrightsproject.org](mailto:mimi@texascivilrightsproject.org); [meghan.riley@austintexas.gov](mailto:meghan.riley@austintexas.gov); [sameer.birring@austintexas.gov](mailto:sameer.birring@austintexas.gov)  
**Subject:** SB4 -- Conference on motions

Dear counsel,

I write to confer on two motions that the San Antonio plaintiffs plan to file.

1. A motion to extend the deadline to amend pleadings from Wednesday December 4 to Friday December 13, 2019. San Antonio Plaintiffs' counsel Yolanda Garcia lost her mother and will not be in the office before the current filing deadline. This extension will move Texas's deadline to file a motion to dismiss from January 3 to January 13.
2. A motion for leave to amend the complaint. On the deadline to amend pleadings, the San Antonio plaintiffs plan to file a motion for leave to amend their complaint to add as-applied challenges to SB4 as well as add several new parties.

Please let me know whether your clients object to the motions. Thank you,

Nina Perales  
Vice President of Litigation  
Mexican American Legal Defense  
and Educational Fund, Inc. (MALDEF)  
110 Broadway, Suite 300  
San Antonio, TX 78205  
Ph (210) 224-5476 ext. 206  
FAX (210) 224-5382

<image001.png>

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